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June 24, 1992

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Attorney General's Office
Opinion Committee
P. O. Box 12548
Austin, Texas 78711

Opinion Committee

RE: Opinion Reference Number 15419

Dear Sir:

We are seeking an opinion upon the status of our hospital district boundaries due to questions raised as a result of the recent redistricting of our county commissioner precinct boundaries to maintain population equalization within the four commissioner precincts required by federal law.

Our hospital district was created after voter approval in May of 1990 to be co-extensive with the boundaries of County Commissioner Precincts 1, 2 and 4 of Hamilton County, Texas. Lengthy metes and bounds descriptions as they existed in 1990 have always been located at the Hamilton County Clerk's Office but for brevity the boundaries of the proposed hospital district were described in the legislation as Commissioner Precincts 1, 2 and 4.

Later in 1991, the Hamilton County Commissioners Court redistricted the boundaries of the county commissioner precincts including Commissioner Precinct 3 which was changed and actually became smaller. According to our hospital legislation County Commissioner Precinct 3 is not included in the Hamilton County Hospital District. The opinion requested is as follows:

Does the hospital district retain the boundaries of the district as dictated by its enabling legislation and stay co-extensive with the boundaries of the new County Commissioner Precincts 1, 2 and 4, or were the boundaries fixed as they existed in 1990 with the old county commissioner precinct boundaries.

This is an important question in that since Commissioner Precinct 3 is now smaller the size of our hospital district would in fact increase and would now include persons in the hospital district boundaries who were not previously within those boundaries when the election occurred. Copies of our enabling legislation are attached and you will notice that there is no provision with respect to enlarging of the boundaries of the hospital district.

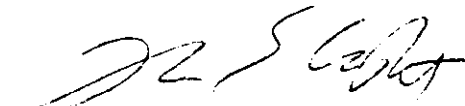
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It appears to me that the boundaries of the hospital district would not fluctuate with commissioner court action but would be established as of the date of the election and not be changed unless the enabling legislation is changed or at least in accordance with Section 286.101 of the Texas Health and Safety Code. Clearly, the legislature has the authority to provide for the expansion of a hospital district as long as various conditions are met as provided in Stanford Hospital District v. Billy Vinson, et al, 517 S.W.2d 358.

If we allowed the hospital district boundaries to fluctuate with commissioners court actions it would appear that various voters would be included or excluded from the hospital district without the necessary petition and elections as required by Section 286.101 of the Health and Safety Code.

Please let us know your opinion at your earliest convenience.

Sincerely,



THOMAS E. WHITE

TEW/ts
Enclosures

cc: Mr. D. L. Stout
Hospital District Administrator
Hamilton County Hospital District
400 North Brown
Hamilton, Texas 76531